

Message Text

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ACTION OC-06

INFO OCT-01 EA-07 ISO-00 CCO-00 OCL-00 L-03 INR-07 /024 W

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P R 200404Z SEP 76

FM USLO PEKING

TO SECSTATE WASHDC PRIORITY 6398

INFO AMEMBASSY MANILA

C O N F I D E N T I A L PEKING 1869

PASS EA/PRCM

E.O. 11652: GDS

TAGS: ACOM PFOR CH

SUBJECT: DIPLOMATIC POUCH CONTENTS DECLARED TO PRC CUSTOMS

SUMMARY: THE CONTENTS OF A CRATE POUCH, INCLUDING A COLLINS KWM-2A TRANSMITTER/RECEIVER, WERE RECEIVED BY USLO AFTER FILING A CUSTOMS DECLARATION. CHINESE CUSTOMS HAS REQUESTED THE RETURN OF THE RADIO UNTIL MFA APPROVAL FOR IMPORTATION IS GRANTED. GUIDANCE REQUESTED. END SUMMARY.

1. ON AUGUST 20 PRC CUSTOMS AUTHORITIES REQUESTED THE PRESENCE OF A USLO OFFICER AT CUSTOMS TO CORRECT THE AIRWAY-BILL OF A SHIPMENT OF "DIPLOMATIC CARGO" WHICH WAS CONSIGNED TO: THE AMERICAN CONSULATE, UNITED STATES LIAISON OFFICE, REPUBLIC OF CHINA. (MANILA CRATE POUCH A-02. THE CRATE ITSELF WAS MARKED: AMERICAN CONSULATE, U.S. LIAISON OFFICE, PEOPLE'S REPUBLIC OF CHINA. "DIPLOMATIC CARGO" WAS STENCILED ON THE CRATE. DELIVERY INSTRUCTIONS "FROM ATO FOR TCU WERE VISIBLE.)

2. DUE TO THE ABSENCE OF THE GSO, A USLO OFFICER NOT NORMALLY CONCERNED WITH SHIPMENTS, ACCOMPANIED BY A LOCAL EMPLOYEE, VISITED CUSTOMS AND MADE THE NECESSARY CORRECTIONS TO THE PAPERWORK. CUSTOMS OFFICIALS THEN REQUESTED A DECLARATION OF CONTENTS OF THE CRATE AND THE USLO OFFICER, NOT REALIZING THAT THE CRATE WAS A DIPLOMATIC POUCH, RETURNED TO USLO AND OPENED

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THE CRATE SO THE LOCAL EMPLOYEE COULD FILE THE FORM.

3. THE CUSTOMS DECLARATION, LISTING ONE COLLINS KWM-2A TRANSMITTER/ RECEIVER AND RELATED ITEMS INCLUDING A TRANSMIT ANTENNA COUPLER AND POWER SUPPLY, WAS DELIVERED TO CUSTOMS ON AUGUST 21. CUSTOMS THEN INFORMED USLO THAT EQUIPMENT COULD NOT BE INSTALLED OR OPERATED UNTIL PERMISSION WAS RECEIVED FROM MFA.

4. STILL NOT AWARE THAT THE SHIPMENT IN QUESTION WAS ACTUALLY A DIPLOMATIC POUCH, USLO REQUESTED CUSTOMS TO ADVISE WHAT SPECIFIC ACTION WAS REQUIRED. CUSTOMS REPLIED BY TELEPHONE ON AUGUST 28 THAT USLO WAS REQUIRED TO SEND THE TRANSMITTER/RECEIVER TO THE CUSTOMS WHILE MAKING AN APPLICATION TO THE FOREIGN MINISTRY.

5. UPON DISCOVERING ON AUGUST 30 THAT THE SHIPMENT WAS A POUCH, USLO HAD AN INTERPRETER INFORMALLY CONTACT THE CUSTOMS AUTHORITIES AND ADVISE THEM THAT THE SHIPMENT IN QUESTION WAS ACTUALLY A SEALED DIPLOMATIC POUCH WHICH INADVERTENTLY WAS NOT RECOGNIZED AS SUCH BY THE USLO OFFICER AND CHINESE LOCAL EMPLOYEE, AND THAT A DECLARATION OF CONTENTS SHOULD NOT HAVE BEEN MADE.

6. CUSTOMS REPLIED THAT THEY HAD REQUESTED THE PRESENCE OF THE USLO OFFICER MERELY TO CORRECT THE MIS-ADDRESSED DOCUMENTATION. HOWEVER, SINCE USLO HAD DECLARED THE ACTUAL ITEMS IN THE POUCH, IT WOULD BE NECESSARY TO GO THROUGH NORMAL IMPORTATION PRO-

CEDURES.

7. IN MEETING WITH CUSTOMS OFFICIALS ON SEPTEMBER 10, USLO WAS INFORMED THAT IT WOULD BE NECESSARY TO RETURN

THE TRANSMITTER UNTIL MFA APPROVAL FOR IMPORTATION WAS GRANTED.

8. EQUIPMENT IS SOLELY FOR USE AT FREQUENCIES APPROVED BY MFA IN ITS 1973 PERMISSION FOR USLO TO OPERATE BACK-UP
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RADIO FACILITY. IT REPLACES, THOUGH IT IS NOT THE SAME MAKE AS, THE EQUIPMENT DESCRIBED IN USLO'S 1973 APPLICATION TO OPERATE THIS FACILITY. WHILE CHINESE AUTHORITIES HAVE KNOWN FROM OUR 1973 APPLICATION THE TYPE OF EQUIPMENT WE HAVE BEEN USING, WE AT NO TIME DECLARED ANY OF IT TO CUSTOMS.

9. WE HAVE THE FOLLOWING OPTIONS IN DEALING WITH THIS

PROBLEM: (A) PREPARE DOCUMENTATION FOR THE EXPORT OF THE RADIO AS REGULAR AIR CARGO. EXPORTATION PROCEDURES WOULD REQUIRE A CUSTOMS CHECK OF THE ITEM BEING EXPORTED PRIOR TO SHIPMENT. PRESUMABLY CUSTOMS WOULD NOTE THAT THE RADIO HAD BEEN EXPORTED AND WOULD DROP THE MATTER, ALTHOUGH THEY CONCEIVABLY COULD ALSO IMPOUND IT. (B) ARRANGE FOR IMPORTATION AUTHORIZATION WITH MFA. (C) GO TO MFA, EXPLAIN CIRCUMSTANCES AND REQUEST ASSISTANCE.

10. WE ARE CONCERNED--BUT NOT CERTAIN-- THAT OPTION (B) WOULD CREATE AN UNDESIRABLE PRECEDENT AND THAT OPTION (C) WOULD ONLY RESULT IN RENEWED PRC INSISTENCE ON OUR GOING THROUGH NORMAL IMPORTATION PROCEDURES. GIVEN CHINESE TENDENCY TO BE RIGID IN SUCH MATTERS, WE THINK CLEANEST SOLUTION WOULD BE TO SHIP THE EQUIPMENT BACK OUT ON THE SAME BASIS AS THAT ON WHICH, AS FAR AS CUSTOMS IS CONCERNED, WE IMPORTED IT. PLEASE ADVISE PROMPTLY, INCLUDING ANY VIEWS L MAY HAVE.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: CUSTOMS COURTESIES, DIPLOMATIC POUCHES
Control Number: n/a
Copy: SINGLE
Draft Date: 20 SEP 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: ElyME
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976PEKING01869
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D760354-0776
From: PEKING
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760941/aaaabixu.tel
Line Count: 135
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION OC
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: ElyME
Review Comment: n/a
Review Content Flags:
Review Date: 21 MAY 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <21 MAY 2004 by ShawDG>; APPROVED <20 SEP 2004 by ElyME>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: DIPLOMATIC POUCH CONTENTS DECLARED TO PRC CUSTOMS SUMMARY: THE CONTENTS OF A CRATE POUCH, INCLUDING A COLLINS KWM-2A TRANSMITTER/RECEIVER, WERE RECEIVED
TAGS: ACOM, PFOR, CH
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006